

Congress of the United States
Washington, DC 20515

January 11, 2005

The Honorable Tom Ridge
Secretary
U.S. Department of Homeland Security
Washington, D.C.

The Honorable Norman Mineta
Secretary
U.S. Department of Transportation
Washington D.C.

Dear Secretary Ridge and Secretary Mineta:

Recently, nine people died and more than 200 people were injured near the small town of Graniteville, South Carolina due to a train wreck involving a chlorine tank car. Our heart goes out to these people, their families and their community.

This devastating accident serves as a warning of the hazard of a potential terrorist attack on rail shipments. This government cannot ignore the possible terrorist use of such hazardous rail shipments to attack America's cities and towns. Graniteville is a small town and only one rail car was involved. An actual terrorist attack against a rail shipment of hazardous materials might occur in or near a large city such as Washington, D.C., where extremely hazardous materials are allowed to pass almost daily within sight of the Capitol.

As you know, enough chlorine to kill or injure 100,000 people in half an hour is often contained in a single rail tanker car passing through crowded urban centers. An Ohio-based Al Qaeda operative was recently arrested and pled guilty for plotting to collapse a bridge in New York City or derail a train in Washington, D.C.

Last year, Democratic members on the Homeland Security Committee repeatedly asked you for information regarding your comprehensive plan to protect the shipment of extremely hazardous materials on our Nation's railroads in general and the Washington D.C. corridor in particular due to its attractiveness as a potential terrorist target. As of the end of last year, no such plan has been developed with only a pilot project proposed for the Washington D.C. corridor. From briefings provided to our staff, it is obvious that even the pilot project is woefully inadequate since it excluded from protection much of the Washington metropolitan area, including the city of Alexandria. More troubling, it also appeared from staff briefings that inexplicably, the career government officials who developed the pilot program did not consider re-routing as a possible option for protecting the Washington rail corridor.

We are once again asking that you respond to the concerns we have raised about this potential threat to public safety, and to ask once again for you to respond to our prior requests for a comprehensive Administration plan to protect those communities where such extremely dangerous hazardous materials are transported. In addition, recent reports in the New York Times have raised serious questions regarding the nature and adequacy of the Federal Railroad Administration's oversight of safety issues, including conflict-of-interest questions regarding the former acting Administrator of the Federal Railroad Administration. These reports suggest that some railroads have sidestepped their responsibility to report data regarding accidents at railroad crossings, had mishandled evidence and failed to report properly hundreds of fatalities. In addition the Times report has raised questions about whether the railroad agency was too close to the railroads it oversees. The report noted, for example, the FRA Administrator had repeatedly taken vacations with a lobbyist from Union Pacific, one of the nation's largest railroads. Shortly after these reports appeared, the FRA Administrator resigned.

We are today opening an inquiry into the Administration's process for developing a comprehensive plan for protecting our Nation's rail corridors. Accordingly, we are repeating our request for documents and other information of October 29, 2004 and in addition, we ask that you provide us with responses to the following questions and requests for various relevant documents and materials needed to assist us in carrying out our oversight and legislative responsibilities in this area:

1. Provide an explanation of why the Administration did not consider re-routing as an option as well as the name(s) of all officials involved in making that decision.
2. Please make available for questioning, all such officials involved in that decision.
3. Did former Federal Railroad Administration Acting Administrator Betty Monro or any member of her staff have any involvement in developing the vulnerability assessment and security plan for the Washington rail corridor or any other rail corridor?
4. Provide copies of any and all correspondence, emails, telephone message logs and appointment calendars for Ms. Monro and her immediate staff since she became Acting Administrator in June, 2004.
5. Provide copies of any and all materials reflecting contacts between Ms. Monro and CSX Corporation, Norfolk Southern Corporation, Mary McAuliffe, chief lobbyist for Union Pacific and the Association of American Railroads.
6. Provide copies of all documentation surrounding the Administration's decision not to require the rerouting of extremely hazardous materials around Washington, D.C., including all emails, correspondence, economic analyses performed or received by the Department, reports, presentations and telephone logs.
7. Provide a time-table for and results of any other vulnerability assessments of rail shipments through other communities in the United States.
8. Provide copies of the vulnerability assessment and security plan for the Washington rail corridor.
9. Provide a cost estimate for the pilot program for the Washington DC area cost, and information regarding where these funds will come from.

Thank you for your assistance and cooperation in this important matter. In light of the upcoming inauguration and our October 29, 2004 request for much of the same information, we ask that you comply with this request as soon as possible. If you have any questions or concerns, please have your staff contact Mr. John Sopko of the Homeland Security Committee Democratic Staff at 226-8833, Dr. Michal Freedhoff in Rep. Markey's office at 225-2836, or Ms. Rosalind Parker in Rep. Norton's office 225-8050.

Sincerely,


Bennie Thompson


Edward Markey


Eleanor Holmes Norton